

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Wayne Analyst: Kristina E. North Bill Number: AB 1822

Related Bills: See Prior Analyses Telephone: 845-6978 Amended Date: June 7, 2000

Attorney: Patrick Kusiak Sponsor: California Law Revision Committee

SUBJECT: Administrative Procedure Act/State Agency Regulations

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.

FURTHER AMENDMENTS NECESSARY.

☒ DEPARTMENT POSITION CHANGED TO SUPPORT.

☒ REMAINDER OF PREVIOUS ANALYSES OF BILL AS AMENDED MARCH 13, APRIL 5, AND APRIL 25, 2000, STILL APPLY.

☒ OTHER - See comments below.

SUMMARY OF BILL

Under the Administrative Procedure Act (the Act) in the Government Code, this bill makes various changes to the rulemaking process.

This analysis does not address the bill's provisions applicable to the rulemaking process that do not impact the department's programs or operations.

SUMMARY OF AMENDMENT

The June 7, 2000, amendments:

?? deleted the provision that would have extended the period during which an emergency regulation is valid from 120 days to 180 days;

?? specified the ending time for the 15-calendar-day period within which the agency must mail documents added to the rulemaking file after publication of the notice of proposed action and then allow additional public comment thereon. The 15-day period ends when the action is adopted by the agency rather than when the action is submitted to the Office of Administrative Law for review and filing with the Secretary of State and

?? made other technical changes.

Discussions between the California Law Revision Commission staff and department staff resolved the implementation concern in the department's prior analysis regarding the availability of the rulemaking files. Commission staff has agreed to add a statement to the Commission Comments addressing intent with respect to the availability of the rulemaking files.

Board Position:

<input checked="" type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input type="checkbox"/> PENDING

Legislative Director

Date

Johnnie Lou Rosas

7/7/00

These comments are documents produced by the Commission as a legal explanation for the changes made to the regulatory process and are treated as evidence of legislative intent. This statement would affirm that this bill is not intended to affect current agency practice regarding where the agency makes the record available to the public, including properly limiting the location(s) at which the rulemaking file may be inspected.

Except for these changes and the new board position, the remainder of the department's analyses of the bill as amended March 13, April 5, and April 25, 2000, still applies.

POSITION

Support.

At its July 5, 2000, meeting, the Franchise Tax Board voted 2-0 to support this bill, with member B. Timothy Gage abstaining.